

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NOUR DABLAN,

Plaintiff,

v.

CMRE FINANCIAL SERVICES, INC.,

Defendant.

Case No. 1:22-cv-00878-JLT-SAB

ORDER DIRECTING CLERK OF COURT TO
CLOSE CASE AND ADJUST THE DOCKET TO
REFLECT VOLUNTARY DISMISSAL
PURSUANT TO RULE 41(a) OF THE FEDERAL
RULES OF CIVIL PROCEDURE

(ECF Nos. 15, 17)

On February 28, 2023, Plaintiff filed a notice of settlement. (ECF No. 12.) On March 1, 2023, the Court issued an order requiring the parties to file dispositional documents on or before March 21, 2023. (ECF No. 13.) On March 22, 2023, the Court issued an order to show cause why sanctions should not be imposed due to the parties failing to file dispositional documents by the deadline. (ECF No. 14.) On March 23, 2023, Plaintiff filed a response to the order to show cause, as well as a stipulation of dismissal of this action. (ECF Nos. 15, 16.)

In the stipulation of dismissal, the parties seek to dismiss the action with prejudice, with each party bearing its own attorneys' fees and costs, "provided that the Court retain ancillary jurisdiction for enforcement of the Settlement Agreement between the Parties in its Order." (ECF No. 15 at 2.) In the proposed order of dismissal, the parties indicate they seek the Court to retain jurisdiction to enforce the settlement agreement for twelve months from the date of the order of

1 dismissal. (ECF No. 15-1 at 2.) On March 24, 2023, the Court issued an order denying without
2 prejudice the parties' stipulated request for the Court to retain ancillary jurisdiction to enforce the
3 settlement agreement, and notified the parties it would direct the Clerk of the Court to close this
4 case unless a renewed stipulated motion for the Court to retain jurisdiction over their agreement
5 was filed demonstrating good cause. (ECF No. 17.) No renewed motion was filed and the
6 deadline to do so has expired.¹

7 Therefore, in light of the stipulation of the parties, this action has been terminated, Fed. R.
8 Civ. P. 41(a)(1)(A)(ii); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997), and has
9 been dismissed with prejudice and without an award of costs or attorneys' fees.

10 Accordingly, the Clerk of the Court is HEREBY DIRECTED to CLOSE the file in this
11 case and adjust the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

12 IT IS SO ORDERED.

13 Dated: April 10, 2023

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15 UNITED STATES MAGISTRATE JUDGE

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¹ The Court notes the same counsel in this action recently filed a similar contingent request for dismissal in another action, and the Court issued essentially the same order in that action, with no further motion to retain jurisdiction being filed, and the Court dismissing the action without retention of ancillary jurisdiction. (See Case No. 1:22-cv-00328-JLT-SAB, ECF Nos. 14, 15, 16.) The Court expects counsel to not file such unsupported requests to retain jurisdiction again.